

PLANNING COMMISSION
REGULAR MEETING September 8, 2014

Anthony Whelan, Chairman, opened the meeting at 6:00 P.M. with the following in attendance:

MEMBERS:

Anthony Whelan, Chair
Robert Pease, Vice-Chair
Harry Jancis
Ray Krzykowski
Robert Urbano, Alternate, Absent
Robert Clark, Alternate
Dave Sletner, Alternate, Absent

OTHERS:

Public: 5
Wayne Zirolli, Borough Engineer
Sue Goggin, Secretary
James Stewart, Director of Public Works

1. Anthony Whelan led with the Pledge of Allegiance. He took attendance, and noted there was a quorum.
2. Executive session with Borough Attorney.

There was no executive session.

3. Review /Approval of the August 4, 2014 Regular Meeting Minutes.

VOTED: 3-0-2 on a motion by Ray Krzykowski and seconded by Robert Pease to **APPROVE** the August 4, 2014 Public Hearing Minutes and Regular Meeting Minutes as written.

ABSTAIN

Harry Jancis
Robert Clark

4. OLD BUSINESS:

- A. Commission discussion to call the bond for D'Archangelo Estates.

Wayne Zirolli said there is still some ongoing work, but it is about 80-90% done. He noted the clearing along the roadway is done, but they do need to do some weed whacking and trim the stumps down. He stated he has received the record Mylar and the deeds. Wayne said the trees were in the process of being replaced. He felt they needed at least a weeks' worth of time to finalize all the work. He expects to be requesting a positive referral from planning on October 6th to accept D'Archangelo Drive. Mr. Yagan stated they have done most of the work. He said the reason the work is not 100% done is there was a lot of growth they did not estimate. He said the rest of the trees will be delivered. He is hoping the work will be complete within a week. Robert Pease said on the east side there is a sidewalk and it appeared the clearing stopped right at the edge of the sidewalk. Wayne Zirolli said they are improving the cleaning in that area.

Public:

Emma Newson, D'Archangelo Drive wanted to thank everyone for the work that has been done. She questioned whether it was in the plans to install a fence around the retention pond. Mr. Zirolli noted he didn't have a plan in front of him, and he would check on it.

Juliette Vignola, D'Archangelo Drive, asked if once the street is accepted if the trash removal will be picked up at the houses and the town will take care of snow removal. Mr. Stewart said it would.

VOTED: Unanimously on a motion by Harry Jancis and seconded by Bob Pease to give D'Archangelo Estates another month, until October 6, 2014, to finish the work.

5. NEW BUSINESS

- A. Commission discussion/decision regarding a CGS 8-24 referral from the Board of Mayor and Burgesses for a proposed Temporary Access and Drainage Easement for Drainage Repair to 73-75 Goodyear Avenue and 113-115 Trowbridge Place.

Wayne Zirolli explained there is an old drainage culvert that runs under the house at 73-75 Goodyear Avenue and runs out at the house at 113-115 Trowbridge Place. He said that 2 months ago the pipe blew out at 73-75 Goodyear Avenue and is flooding the driveway and buckling the pavement. It is in need of repair but the town cannot do anything without the drainage easement. Mr. Zirolli noted that tomorrow they are installing a new culvert in Goodyear Avenue to bypass this pipe so that the problem will go away. But there are still repairs needed. Wayne said he has already written up the easements and sent them out to the neighbors.

VOTED: Unanimously on a motion by Harry Jancis and seconded by Ray Krzykowski to send a **POSITIVE REFERRAL** to the Board of Mayor and Burgesses regarding a CGS 8-24 referral for a proposed Temporary Access and Drainage Easement for Drainage Repair to 73-75 Goodyear Avenue and 113-115 Trowbridge Place.

- B. Commission discussion/decision regarding a referral from the Zoning Commission for a Special Permit for 2 interior lots in a proposed 11 lot subdivision on Field Street, Applicant: Anderson Mills, LLC

Attorney Michael McVerry reviewed the application with the commission. He stated the 2 interior lots require a special permit approval. He noted they filed the application last month with the Zoning commission and have a Public Hearing scheduled for next month. He mentioned this is a subdivision that began in 2008, and special permit approval was received back then and a positive referral was received from the Planning Commission as well. He noted they received all the necessary approvals, the wetlands approval is still in effect, but the special permit approval was only good for 3 years and has expired. Mr. McVerry noted that Mrs. Goggin had given him a copy of the report from Fitzgerald and Halliday

which noted it is consistent with the plan of conservation and development. He noted they are proposing a fee in lieu of open space in regards to the wetland area. He noted Lot 9 consists of most of the wetland area. Robert Pease noted that the creation of 2 interior lots constitutes the creation of a subdivision according to their regulations. He feels they can't handle it under a referral from Zoning and he feels it would more appropriate for them to consider interior lots in the context of the entire subdivision rather than a stand-alone project. He feels they should reject this application as improper. Attorney McVerry said in order to get to the subdivision phase they have to have a positive referral for a special permit. If they do not have a special permit for these two lots then they cannot file an application for a subdivision. A discussion ensued over a subdivision application versus a special permit application.

VOTED: 4-1-0 on a motion by Harry Jancis and seconded by Ray Krzykowski to send a **POSITIVE REFERRAL** to the Zoning Commission regarding the two interior lots on Field Street for Anderson Mills.

FOR

Harry Jancis
Ray Krzykowski
Anthony Whelan
Robert Clark

AGAINST

Robert Pease

ABSTAIN

- C. Commission discussion/decision regarding a referral from the Zoning Commission for an amendment to zone map from RA-1 to B-2 at 527 North Main Street, Applicant: Cumberland Farms, Inc.

Attorney Domenic Thomas stated Cumberland Farms was before this Commission with text changes, in which they were given a negative referral. He said the Zoning Commission chose to approve the reduction of the extra buffer required in the B-2 Zone. After this was done they submitted 2 applications. He explained the reason for the proposed zone change map. He reviewed the map of existing conditions. Attorney Thomas noted he would have asked for the zone change to follow the property line, but they are in the process of purchasing the adjacent lot. Harry Jancis questioned changing a zone for a property that is not yet owned by them. Attorney Thomas stated that under the contract to purchase they have obtained permission from the lot owner. The Commission requested to see the contract for purchase. Attorney Thomas said he was before the Commission as an officer of the court saying there is a contract to purchase. He said he could obtain a letter from the seller stating they have permission to request the zone change.

VOTED: Unanimously on a motion by Harry Jancis and seconded by Bob Pease to send a **POSITIVE REFERRAL** to the Zoning Commission regarding a zone map change from RA-1 to B-2 for property at 527 North Main Street and 18 Woodbine Street with the condition that the Planning

Commission gets a letter stating that the owner of 18 Woodbine Street agrees with the zone change.

- D. Commission discussion/decision regarding a referral from the Zoning Commission for a special permit for the expansion and renovation of the existing Cumberland Farms retail gasoline and store at 527 North Main Street, Applicant: Cumberland Farms, Inc.

Attorney Domenic Thomas stated he was provided a report from Fitzgerald and Halliday which was given to the Planning Commission. His opinion of the report was that in areas like this you should not allow expansion of existing buildings which will leave you with older buildings that aren't renovated. He showed pictures of before and after renovations of Ansonia's Cumberland Farms. He noted it is very similar to the situation in Naugatuck. He stated that he disagrees with the report from Fitzgerald and Halliday. Mark Grocki, Senior Engineer, VHB on behalf of Cumberland Farms explained the site plan. He noted this site is similar to Ansonia's and that Cumberland Farms works well with its neighbors. He noted it will be about a 4 to 5 month process. Tony Whelan asked if the business would be open during renovations. Mr. Grocki answered no. Harry Jancis asked if they would be putting in new gas tanks and what they would be doing with the old ones. Mark answered yes and explained the process of disposing the tanks and following state guidelines. Wayne Zirolli said he felt it would enhance the store to have a new facility.

VOTED: Unanimously on a motion by Bob Pease and seconded by Harry Jancis to send a **POSITIVE REFERRAL** to the Zoning Commission on the application for the expansion and renovation of the existing Cumberland Farms retail gasoline and store at 527 North Main Street.

- E. Commission discussion/decision regarding a CGS 8-24 referral from the Board of Mayor and Burgesses for a proposed transfer of Borough property to the owner of 132 School Street Extension to rectify the existing septic system encroachment on Borough property.

Mike DelGreco, on behalf of Freddie Mac stated this particular property was under contract and after the inspections it was found that a septic system was built on the Borough land to service this house. As the property stands right now it is uninhabitable because the septic system is illegal. He said what they are asking for is the bare minimum for the lot to make the septic system legal as well as a potential reserve in case there is a repair or new system that has to be done because there is no place else to put one. Tony Whelan asked what was on the Borough property now. Wayne Zirolli explained that it was the Heights property and explained the layout of the lot and the limitations for future use. Mr. Zirolli feels the Borough Board seems to be amenable to either selling or possibly transferring the property for a nominal fee to the property owners.

VOTED: Unanimously on a motion by Harry Jancis and seconded by Ray Krzykowski to send a **POSITIVE REFERRAL** to the Board of Mayor

and Burgesses regarding a CGS 8-24 referral for a proposed transfer of Borough property to the owner of 132 School Street Extension.

- F. All new items will require a 2/3 vote.

There were no new items.

6. ADJOURNMENT

The Commission discussed with staff requesting to be part of the meetings with the consulting firm regarding town applications and when the reports from Fitzgerald and Holiday become part of the record.

VOTED: Unanimously on a motion by Harry Jancis and seconded by Ray Krzykowski to adjourn the meeting at 7:40 P.M.

RESPECTFULLY SUBMITTED:

Ray Krzykowski, Secretary/rp